

BARNES & THORNBURG LLP



11 South Meridian Street  
Indianapolis, Indiana  
46204  
(317) 236-1313  
(317) 231-7433 Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*Customer No.* 23643

*Group:* 3752

*Confirmation No.:* 6528

*Application No.:* 10/016,596

*Invention:* METHOD AND APPARATUS FOR  
ADJUSTING AND POSITIONING  
AIR CAPS

*Inventor:* Baltz et al.

*Filed:* October 30, 2001

*Attorney*

*Docket:* 3030-67663

*Examiner:* Davis D. Hwu

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being  
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on

March 16, 2005

Kim Tyree

(Signature)

Kim Tyree

(Printed Name)

NOTICE OF APPEAL

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants hereby appeal to the Board of Appeals from the rejection dated December 16, 2004, of the Primary Examiner rejecting claims 1, 4, 5, 9, 10, 13, 16, 17 and 19. This is the fourth rejection of this application, this application having previously been rejected on July 9, 2003, October 21, 2003 and April 13, 2004. The rejection of claims of this application has also previously been appealed on January 21, 2004 and July 13, 2004 with corresponding appeal briefs having been submitted on February 24, 2004 and September

9, 2004, respectively. The appeal briefs each resulted in withdrawal of the final rejection from which the previous appeal was taken. This appeal is thus timely, 37 C. F. R. §41.31(a).

The original \$330.00 fee for this appeal was submitted with the first notice of appeal submitted January 21, 2004. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 10-0435, with reference to Applicants' undersigned counsel's file 3030-67663. A duplicate copy of this authorization is enclosed for that purpose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard D. Conard", written in a cursive style.

Richard D. Conard  
Attorney Reg. No. 27321  
Attorney for Applicants

Indianapolis, Indiana  
317-231-7285